

REMARKS

Thorough examination of the application is sincerely appreciated.

According to the Final Office Action, claims 1-7 (believed to be 1-8 according to the remarks in the Final Office Action) were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication US 2003/0149576 (Sunyich). Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being obvious over Sunyich. Claims 11-17 and 20-25 were rejected under 35 U.S.C. § 103(a) as being obvious over Sunyich in view of US Application Publication US 2003/0109938 (Daum et al). Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Sunyich in view of Daum and further in view of US Patent 4,899,373 (Lee et al). In response, Applicant respectfully disagrees with, and explicitly traverses, the reasons for rejecting Applicant's claims.

To expedite the prosecution of the application and without conceding any statements or waiving any arguments advanced in the Final Office Action, Applicant provides a declaration under 37 CFR 1.131 with the supporting documentation for entry into the record. Based on the supporting documentation enclosed with the declaration, it is respectfully submitted that Applicant's date of invention is at least as early as April 30, 1999. As is apparent from the enclosed documentation, the inventors filled out an invention disclosure form and submitted the completed form to Koninklijke Philips Patent department, which was stamped as received April 30, 1999. Thereafter, the invention disclosure was diligently processed until the filing of the application.

Since the showing of facts clearly establish conception of Applicant's invention prior to the effective date of Sunyich coupled with due diligence from prior to said date to the filing of the application, Sunyich does not qualify as prior art.

Similarly, since the showing of facts clearly establish conception of Applicant's invention prior to the effective date of Daum coupled with due diligence from prior to said date to the filing of the application, Daum does not qualify as prior art.

At least for the above reasons, Applicant submits that the rejections of claims 1-17 and 20-25 have been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejections and allowance of the claims.


With respect to claims 18 and 19, Lee was not relied upon by the examiner for the disclosure of those features allegedly taught by Sunyich and Daum. Thus, even if assuming for the sake of argument that Lee is properly applied in the Final Office Action, Lee by itself is not sufficient to render the Applicant's invention unpatentable.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited. However, if for any reason this application is not considered to be in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the number listed below prior to issuing a further Action.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

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Respectfully submitted,

By 
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